

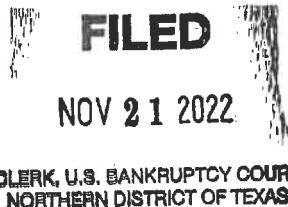
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November 21, 2022



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The Honorable Robert L. Jones  
U.S. Bankruptcy Judge for the Northern District of Texas  
George Mahon Federal Building  
1205 Texas Ave., Room 306  
Lubbock, TX 79401-4002

RE: Adversary No. 20-ap-05005, Ford Motor Credit Company's Discovery Requests

Dear Judge Jones:

Consistent with your request at this morning's hearing, Ford Credit submits this letter detailing Ford Credit's specific discovery requests and its request for an opportunity to conduct reasonable follow-up discovery. The information sought by Ford Credit's prior discovery requests is outlined below:

**Interrogatories:**

- The factual basis for the Trustee's claim that each transfer was intended to hinder, delay, or defraud RDAG's "existing and/or subsequent creditors." *See* Dkt. 173 at 3 (quoting Dkt. 1 at Paragraph 60). The Trustee was also asked to "separately identify each creditor that the Debtors allegedly intended to hinder, defraud, or delay in making each Transfer to FMCC." *See* Exhibit A at 4, Interrogatory No. 1.
- The Debtors' debts, business dealings, and payments to creditors identified in Interrogatory 1. *See* Exhibit A at 4, Interrogatory No. 2.
- Individuals involved in the Debtors' business dealings with each creditor identified in Interrogatory 1 or who would have knowledge of the Debtors' business dealings with those creditors. *See* Exhibit A at 4, Interrogatory No. 3.
- For each creditor identified in Interrogatory 1, unpaid amounts owed by RDAG to each creditor, including the amount owed, invoices, contracts, or other agreements related to the unpaid amounts, the nature of the goods or services provided by the creditor to the Debtors,

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and the dates and amounts of any payments or exchange of valuable consideration from RDAG to the creditors. *See Exhibit A at 4, Interrogatory No. 4.*

**Requests for Production:**

- Documents evidencing Debtors' alleged intent to hinder, defraud, or delay creditors identified in Interrogatory 1 when making the Transfers to Ford Credit. *See Exhibit A at 9, Request for Production No. 1.*
- Documents evidencing debts or amounts owed to those creditors. *See Exhibit A at 9, Request for Production No. 2.*
- Documents evidencing amounts that remain unpaid to those creditors. *See Exhibit A at 9, Request for Production No. 3.*
- Documents evidencing payments from the Debtors to those creditors. *See Exhibit A at 10, Request for Production No. 4.*
- Communications between the Trustee or his agents and the Debtors' former employees related to the Debtors' relationships with, and debts owed to, each creditor whom RDAG allegedly intended to hinder, delay, or defraud. *See Exhibit A at 10, Request for Production No. 5.*
- Copies of any interviews or statements by agents of the creditors identified in Interrogatory 1. *See Exhibit A at 10, Request for Production No. 6.*
- Statements between the Debtors, the Trustee, or their agents, and the FBI/DOJ related to creditors that the Debtors allegedly had an intent to defraud. *See Exhibit A at 10, Request for Production No. 7.*
- Documents evidencing amounts owed to other creditors. *See Exhibit A at 11, Request for Production No. 15.*
- Documents evidencing RDAG's consideration provided to other creditors. *See Exhibit A at 11, Request for Production No. 16.*

**30(b)(6) Deposition Topics:**

- Debtors' course of dealing with the creditors who filed proofs of claim in the RDAG Bankruptcy Proceedings. *See Exhibit A at 16, Topic 1.*
- Debtors' payments to, and services, goods or anything of value received from, the creditors who filed proofs of claim in the RDAG Bankruptcy Proceedings. *See Exhibit A at 16, Topic 2.*

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- Financial statements submitted by the Debtors to the financial institutions or creditors who filed proofs of claim in the RDAG Bankruptcy Proceedings. *See Exhibit A at 16, Topic 3.*
- Debtors' floor-plan financing contracts, arrangements and security agreements with entities other than FMCC. *See Exhibit A at 18, Topic 17.*

Attached as Exhibit A with this letter are Ford Credit's discovery requests. Ford Credit also requests a reasonable period ending March 31, 2023, during which Ford Credit can conduct reasonable follow-up discovery to these requests (including supplemental depositions of fact witnesses such as the Trustee and Lindsay Williams), supplement its expert reports (and complete any further expert depositions), and propound requests for admissions and contention interrogatories: (1) arising from the Trustee's responses to the requests and interrogatories above; and/or (2) related to the Trustee's "badges of fraud" and "direct evidence" theories of fraudulent intent, which were not at issue in the case before discovery closed. Ford Credit believes this additional discovery can be completed before a June trial setting.

Respectfully,



Kevin M. Sadler